

Amendment to the Drawing

1. Delete Figures 7, 8, 9, and 10.
2. Substitute the enclosed sheets for Figures 7-12. Figures 11 and 12 have been renumbered as Figures 7 and 8.

Attachment: 2 Replacement Sheets  
2 Annotated Sheets Showing Changes

## **REMARKS**

### **1. Specification and Abstract**

The Specification has been revised to add Tables 1-4, which contain the material previously in now deleted Figures 7-10. Corresponding changes have been made for correct references to the Tables and Figures as re-numbered.

The Abstract has been corrected in response to the objection in the Office Action.

### **2. Drawings**

In response to the objection to the drawings, Figures 7-10 have been added to the specification as Tables 1-4, and figures 11-12 have been re-numbered as Figures 7-8. In addition, in Figure 7, item 154, has been corrected to read "Contrast Agent," which is consistent with the Specification.

### **3. Claims**

#### **a. Informalities**

Claims 15, 21, 30, and 37 have been amended to address the informalities noted in the Office Action.

#### **b. Section 112 Rejections**

In response to the rejection of claim 43 and those claims dependent upon it under Section 112, independent claim 43 has been amended to recite a biodegradable microsphere, which finds support at page 5, lines 22-26, of the Specification.

c. Section 101 Rejection

Applicant does not intend to claim a body or any tissue in a body. Independent claim 43 has been amended in response to the Section 101 rejection. Applicant is claiming a method for treating a localized portion of body tissue.

d. Section 103 Rejections

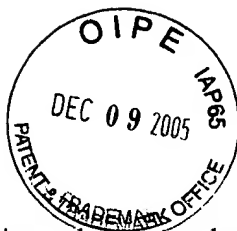
The Office Action rejects independent claims 1 and 43 as obvious from the combination of Edwards with Roskos and Mulier. Claim 1 has been cancelled and the claims previously dependent on claim 1 now depend on claim 43.

Claim 43 recites the use of biodegradable microspheres, which are not described or obvious from Edwards, nor are they taught or suggested by Roskos or Mulier. Edwards does not describe a biodegradable microsphere container in which the substance is contained as described in claim 43. Edwards' microsphere uses a metallic container (col. 16, lines 35-36) that is not bio-degradable. Edward's container has holes in it to allow liquid contents to escape. Edwards has a coating over the metal sphere, and even this coating is not designed to be bio-degradable as in claim 43. The coating of Edwards is applied to be burned off when Edwards applies RF energy which heats Edwards' metal container. The metal microsphere container of Edwards therefore functions in a much different way from the non-metal container of new claim 43.

The Examiner argues that Roskos "teaches the use of a chemotherapeutic fluid, such as cisplatin, in the form of 'gel formulations for direct injections into a neoplastic lesion or surrounding tissue' (Abstract), which are non-metallic, bio-absorbable materials fully capable of containing the microsphere containers of Edwards."

The Examiner's argument misses the point that Edwards does not teach or suggest that the microspheres themselves are biodegradable. Indeed, the microspheres taught by Edwards

non-biodegradable - - they are metal. Applicants' invention as now claimed teaches use of biodegradable microspheres, a significant improvement that is not taught or suggested by the cited art. In fact, Edwards teaches away from biodegradable microspheres. Therefore, Applicant's invention as now claimed is not obvious under Section 103.



### CONCLUSION

Applicant has amended the Specification, Abstract, and Drawings to correct the errors noted in the Office Action. Applicant has also amended the claims to address the rejections under Sections 101, 112, and 103. For the reasons discussed above, Applicant believes the claims as now presented distinguish the present invention from the cited prior art, and that these claims are now in condition for allowance. Replacement drawings are also included. If any further questions should arise prior to a Notice of Allowance, the Examiner is invited to contact the attorney at the number set forth below.

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Respectfully submitted,

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### **CERTIFICATION OF MAILING**

I, Diana Dearing, hereby certify that this correspondence and the documents referred to as attached hereto are being deposited with the United States Postal Service on this date December 6, 2005, in an envelope addressed to the MAIL STOP AMENDMENT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.



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